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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,165

03/26/2004

Mark Alan Schultz

PU020236

2005

24498 7590 09/13/2007
JOSEPH J. LAKS, VICE PRESIDENT
THOMSON LICENSING LLC
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EXAMINER

WENDMAGEGN, GIRUMSEW

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

09/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/811,165

Applicant(s)

SCHULTZ ET AL.

Examiner

Girumsew Wendmagegn

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/14/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al (Pub. No. US 2003/0081940).

Regarding claim1, Lin et al (hereinafter Lin) anticipate In a video recording device, a method for playback at a speed faster than normal playback speed for programming originating from film without loss of program information, comprising the steps of: identifying during playback repeated image information indicative of film original material; and, selectively dropping ones of said identified repeated image information to increase a playback speed of said programming originating from film(see page5 paragraph 0057).

Regarding claim2, Lin anticipates the method according to claim 1, further comprising selectively controlling a number of said repeated image information dropped responsive to a user input (see page5 paragraph 0056).

Regarding claim3, Lin anticipates the method according to claim 1, further comprising the step of automatically calculating a rate at which said repeated image information must be dropped responsive to a user input (see page5 paragraph 0056).

Regarding claim4, the method according to claim1, wherein said user input identifies a desired time for completion of playback of a recorded presentation (see page5 paragraph 0056, when user selects playback speed, effectively selects time for completion of presentaion).

Regarding claim5, Lin anticipates the method according to claim 3, further comprising the step of selectively dropping said repeated image information at said rate that has been automatically calculated (see page5 paragraph 0056).

Regarding claim6, Lin anticipates the method according to claim1, wherein said repeated image information comprises redundant field pictures (see page5 paragraph 0057).

Regarding claim7, Lin anticipates a digital video recorder facilitating playback of programming originating from film at a speed greater than normal playback speed, comprising: a digital video storage medium containing a record having programming originating from film (see page3 paragraph 0031); a decoder for decoding said record to form an uncompressed picture signal (see page3 paragraph 0031); and, a display

processor receiving and formatting said uncompressed picture signal for an television display rate, controlling said formatting to selectively drop redundant field pictures and increase said playback speed of said programming originating from film (see page3 paragraph 0032).

Regarding claim8, Lin anticipates the digital video recorder according to claim 7, wherein said display processor formats said uncompressed picture signal for television display by controllably duplicating pictures within said uncompressed picture signal produce a television picture display rate (see page3 paragraph 0032).

Regarding claim9, Lin anticipates the digital video recorder according to claim 7, wherein a controller is responsive to a user input for selectively controlling a number of said redundant field pictures that are dropped by said display processor (see page5 paragraph 0056).

Regarding claim10, Lin anticipates the digital video recorder according to claim 7, wherein a controller automatically calculates the rate at which said redundant field pictures must be dropped responsive to a user input (see page5 paragraph 0056).

Regarding claim11, the digital video recorder according to claim 10, wherein said user input identifies a desired time for completion of said presentation (see page5

paragraph 0056, when user selects playback speed, effectively selects time for completion of presentation).

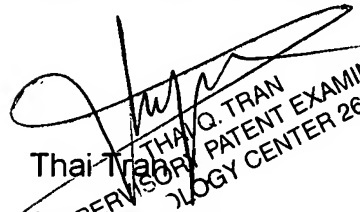
Regarding claim 12, the digital video recorder according to claim 10, wherein said display processor selectively drops said redundant field pictures at said rate that has been automatically calculated (see page 5 paragraph 0056).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Girumsew Wendmagegn whose telephone number is 571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, all Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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Girumsew Wendmagegn